



Yosemite National Park Operations and the National Environmental Policy Act

Do routine operational activities in Yosemite need review under the National Environmental Policy Act (NEPA)?

On any day of the year at Yosemite, you can see park and concessioner staff engaged in a wide variety of maintenance, construction, resource protection, and research activities. These may range from collecting garbage in Yosemite Valley to installing a new wayside exhibit in Tuolumne Meadows; from moving campsites away from fragile streamside areas at the Tamarack Flat Campground to replacing the slate roof on The Ahwahnee, a National Historic Landmark, in Yosemite Valley. Most daily actions are fairly simple with little possibility of causing harm to the environment. However, a closer look shows that some simple actions have the potential to affect Yosemite's protected resources. For example, digging small holes for posts to support a wayside exhibit in Tuolumne Meadows could uncover and disrupt important archeological deposits recording thousands of years of American Indian culture.

To prevent resource damage, The National Environmental Policy Act (NEPA) requires Yosemite to analyze actions to avoid or mitigate environmental impacts.

Does Yosemite need to prepare a major environmental review, in form of environmental assessment (EA) or environmental impact statement (EIS), for every action taken?

Clearly, preparing a major environmental review for all routine activities done in the Park would be overkill. Some activities have little or no potential for harming park resources; others might only cause harm if done without considering park resources. National Park Service NEPA guidelines (Director's Order #12 – DOI2) recognize this situation and allow for what are known as “categorical exclusions (CEs)”—activities of a type (category) that inherently have little potential for environmental harm. Federal agencies have developed lists of actions categorically excluded from NEPA review. However, if certain circumstances and conditions (exceptions) are present, a listed activity cannot be categorically excluded. Therefore, qualifying for a CE still requires a brief environmental review and planning to ensure CEs are used properly.

What types of activities can be categorically excluded from NEPA environmental review?

There are two types of CEs: 1) those for which no formal documentation is necessary; and 2) those requiring a record of review. The first type comprises activities that usually have no potential for environmental impact and therefore are not routinely subject to NEPA review and documentation. Some examples include personnel actions, routine financial transactions, preparation and issuance of publications, or day- to- day maintenance activities. However, if any exceptional circumstances apply, more extensive review and documentation of the second type must be used.

The activities covered by the second type of CE do have the potential for measurable environmental impacts. Examples include actions related to general administration (e.g., changes or amendments to an approved action when such changes would cause no environmental impact; certain actions related to development (e.g., routine maintenance and repairs to modern facilities, structures, grounds, etc. in areas showing recent human disturbance); and some actions related to resources management and protection (e.g., archeological surveys and permits involving only surface collection or small- scale test excavations). (The complete list of National Park Service CE can be found in DOI2, section 3.4.)

What is the review process for Categorical Exclusions?

To ensure that no measurable impacts occur, the Park must follow a series of steps, laid out in DOI₁₂, when considering the applicability of a CE for a proposed action. The Park must:

1. Carefully consider whether the action is a piece of a larger action that should be analyzed.
 2. Complete an environmental impacts analysis to ascertain the important environmental issues, and if exceptional circumstances exist, a NEPA document should be prepared.
 3. If no exceptional circumstances exist:
 - a. contact interested and affected local, state, and/or federal agencies to ask for any objections to a CE approval;
 - b. If interested or affected public exists, make a diligent effort to obtain their input;
 - c. If all parties agree there is no potential for measurable impact, document this on the CE Form; if any party objects, a NEPA document should be prepared.
 4. If minimal mitigation is necessary to avoid triggering one of the exceptional circumstances and agencies and publics agree, a CE is appropriate.
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What are the exceptional circumstances that prevent the use of categorical exclusion for an action on the list of categorically excluded actions?

Director's Order 12 lists 18 exceptions that, if present, preclude the use of a CE to approve an action (DOI₁₂, 3.5). The circumstances that trigger an exception generally include those that would cause an action to adversely affect public health and safety or unique park resource, have highly controversial or uncertain effects, trigger another local, state, federal, or tribal law imposed for protection of the environment, or would otherwise affect the environment.

What procedure does Yosemite National Park follow for approval of CE for park activities?

Yosemite National Park uses a detailed Project Initiation Form, and an Environmental Screening Form to evaluate all actions that may be categorically excluded. Each such project is formulated and approved within the originating division, and then undergoes interdisciplinary review: first at a Cultural Resources Roundtable, and then by a Project Initiation Workshop. If any historic or cultural resources are involved, a special form and review must take place. At each level approval signatures by the review park staff must be obtained. Finally, after all reviews and approvals are completed, the project CE Form and associated paperwork is sent to the Park Superintendent for review and an approval signature.

Where can I find out more about NEPA and operational compliance in Yosemite?

At www.nps.gov/policy you can find links to laws, regulations, and Executive Orders relating to the National Park Service (NPS), and NPS *Management Policies* and Director's Orders, including *Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision- Making*, and the DOI₁₂ Handbook.

At www.nps.gov/yose/planning you can find information on various planning efforts in Yosemite, including copies of approved CEs (this page is still under construction—several hundred approved CEs are being scanned for posting; these will be posted as they become available).
